

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN R. STOEBNER,

Case No. 14-CV-0137 (PJS)

Plaintiff,

v.

ORDER

PNY TECHNOLOGIES INC.,

Defendant.

Ralph V. Mitchell and John R. Stoebner, LAPP, LIBRA, THOMSON, STOEBNER & PUSCH, CHARTERED, for plaintiff.

David J. Adler, McCARTER & ENGLISH, LLP; Robert T. Kugler, STINSON LEONARD STREET LLP, for defendant.

The Court recently adopted then-Chief United States Bankruptcy Judge Gregory F. Kishel's May 6, 2016 Supplemental Report and Recommendation ("R&R") recommending that plaintiff John Stoebner, trustee of the bankruptcy estates of Polaroid Corporation and its affiliated companies, recover prejudgment interest and attorney's fees in this adversary proceeding. *See* ECF No. 17. Having reviewed the trustee's final submissions concerning his attorney's fees, and having received no objection or response from defendant, the Court enters judgment as follows.¹

¹The Court notes that, on pages 13 and 14 of the Supplemental R&R, Judge Kishel recites a pre-setoff judgment amount of \$850,471.13 and a post-setoff judgment amount of \$808,527.56 (not including attorney's fees since August 31, 2015 and interest since April 30, 2016). Adding in the later attorney's fees and interest yields a total judgment (continued...)

Based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

ORDER

Based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiff shall recover from defendant, for the benefit of the estate of debtor Polaroid Corporation in *In re Polaroid Corp.*, Case No. 08-46617 (Bankr. D. Minn. filed Dec. 18, 2008), a total judgment of \$975,146.37, representing the following amounts:

1. Unpaid royalties of \$472,946.93, less a setoff of \$41,923.57, for a total recovery of \$431,023.36 in royalties.
2. Attorney's fees in the amount of \$108,243.50.
3. Prejudgment interest through the date of judgment in the amount of \$435,879.51.

LET JUDGMENT BE ENTERED ACCORDINGLY.

¹(...continued)
of \$863,432.44, which is \$111,713.93 less than the amount of the judgment to which the Court determines that the trustee is entitled. The discrepancy in these amounts almost exactly matches the original amount of the setoff (\$111,713.60) to which Judge Kishel had found PNY to be entitled. *See* ECF No. 1 at 23. As the Court reads Judge Kishel's orders, however, the new setoff amount of \$41,923.57 is meant to replace, and is not cumulative of, the earlier setoff amount of \$111,713.60. The Court's calculations reflect its understanding that Judge Kishel meant to order a total setoff amount of \$41,923.57.

Dated: August 31, 2016

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge